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8 NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 FREDERICK MEISWINKEL, INC., a
California corporation

14 Plaintiff,

15 v.

16 NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD,

17 Defendants.
18

CASE NO. 07-05064 WHA MED

**NOTICE OF MOTION OF NATIONAL
FIRE INSURANCE COMPANY OF
HARTFORD TO STAY PROCEEDINGS**

Date: March 20, 2008
Time: 8:00 a.m.
Courtroom: 9
Judge: William H. Alsup

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20 TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE that on March 20, 2008 at 8:00 a.m. or as soon thereafter as
22 this matter may be heard in Courtroom 9 of the above-entitled court, defendant National Fire
23 Insurance Company of Hartford will move this Court for an order to stay the current action,
24 pending resolution of the underlying liability case entitled *88 King Street LLC v. Frederick*
25 *Meiswinkel, Inc.*, Consolidated San Francisco Superior Court Case Nos. CGC-04-434587 and
26 CGC-04-42955. Pursuant to California Supreme Court authority, the underlying action must be
27 tried first, since any determination of legal and equitable issues in the coverage action would be
28 based on factual findings necessary to a determination in the underlying case as well. This

1 motion will be based on this notice of motion, the memorandum of points and authorities served
2 herewith, the declarations of Robert Berg and James Teater, the court file herein, and upon such
3 oral and documentary evidence as may be presented at the hearing on this matter.

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5 DATED: February 13, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

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8 By: 

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